

109TH CONGRESS
1ST SESSION

S. 302

To make improvements in the Foundation for the National Institutes of Health.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2005

Mr. KENNEDY (for himself, Mr. GREGG, Mr. ENZI, Mr. FRIST, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To make improvements in the Foundation for the National Institutes of Health.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Foundation for the
5 National Institutes of Health Improvement Act”.

6 **SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISH-**
7 **MENT AND DUTIES.**

8 Section 499 of the Public Health Service Act (42
9 U.S.C. 290b) is amended—

10 (1) in subsection (d)—

1 (A) in paragraph (1)—

2 (i) by amending subparagraph (D)(ii)

3 to read as follows:

4 “(ii) Upon the appointment of the ap-
5 pointed members of the Board under clause
6 (i)(II), the terms of service as members of the
7 Board of the ex officio members of the Board
8 described in clauses (i) and (ii) of subparagraph
9 (B) shall terminate. The ex officio members of
10 the Board described in clauses (iii) and (iv) of
11 subparagraph (B) shall continue to serve as ex
12 officio members of the Board.”; and

13 (ii) in subparagraph (G), by inserting

14 “appointed” after “that the number of”;

15 (B) by amending paragraph (3)(B) to read
16 as follows:

17 “(B) Any vacancy in the membership of
18 the appointed members of the Board shall be
19 filled in accordance with the bylaws of the
20 Foundation established in accordance with
21 paragraph (6), and shall not affect the power of
22 the remaining appointed members to execute
23 the duties of the Board.”; and

24 (C) in paragraph (5), by inserting “ap-
25 pointed” after “majority of the”;

1 (2) in subsection (j)—

2 (A) in paragraph (2), by striking
3 “(d)(2)(B)(i)(II)” and inserting “(d)(6)”; and

4 (B) in paragraph (10), by striking “of
5 Health.” and inserting “of Health and the Na-
6 tional Institutes of Health may accept transfers
7 of funds from the Foundation.”; and

8 (3) by striking subsection (l) and inserting the
9 following:

10 “(l) FUNDING.—From amounts appropriated to the
11 National Institutes of Health, for each fiscal year, the Di-
12 rector of NIH shall transfer not less than \$500,000 to
13 the Foundation.”.

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